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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE EASTERN DISTRICT OF WASHINGTON**

7 DARREN C. SHORE,

8 Plaintiff,

9 v.

10 BERNIE WARNER, WASHINGTON
11 STATE DEPARTMENT OF
12 CORRECTIONS, G. STEVEN
13 HAMMOND, JAMES EDWARDS,
14 DALE FETROE, KENNETH
15 LAUREN, DIEGO LOPEZ DE
CASTILLA, FRANK LONGANO,
DAVID KENNEY, F. JOHN SMITH,
KENNETH SAWYER, JOSEPH
LOPIN, BEVERLY SHAPIRO,
KENNETH E. MOORE, and JOHN
AND JANE DOES 1-15,

Defendants.

NO: 4:15-cv-05044-LRS

ORDER DENYING SECOND
MOTION FOR EXTENSION OF TIME
AND ADOPTING REPORT AND
RECOMMENDATION

16 BEFORE THE COURT is Plaintiff's second Motion for Extension of Time to
17 File Objections, which is noted for hearing without oral argument on September 11,
18 2015, ECF No. 19. Plaintiff, a prisoner at the Washington State Penitentiary, is
19 proceeding *pro se* and *in forma pauperis*. Although the Court has not directed service
20 of the complaint, Attorney Jason D. Brown has entered a notice of appearance on

ORDER DENYING SECOND MOTION FOR EXTENSION OF TIME AND
ADOPTING REPORT AND RECOMMENDATION -- 1

1 behalf of named Defendants, ECF No. 12. Plaintiff's Motion was considered without
2 oral argument on the date signed below.

3 On July 21, 2015, Magistrate Judge James P. Hutton recommended that
4 Plaintiff's Motion for a Preliminary Injunction be denied because Plaintiff had not
5 filed a legally sufficient complaint. The recommendation was made with leave to
6 refile the Motion once Plaintiff **has** filed a legally sufficient complaint. The Court
7 previously granted Plaintiff an extension of time until August 12, 2015, to file his
8 Objections, ECF No. 18. Rather than file Objections, Mr. Shore now seeks an
9 additional thirty (30) days to do so.

10 The decision to grant an extension of time is discretionary with the Court. Fed.
11 R. Civ. P. 6(b). The Court finds that any further extension of the deadline to file
12 Objections is not necessary. There is no conceivable basis for any objection. Plaintiff
13 has not yet filed a legally sufficient complaint, and therefore, the Court has no basis on
14 which to grant his pending Motion.

15 Plaintiff may file a First Amended Complaint on or before September 18, 2105,
16 and thereafter file a new Motion for Preliminary Injunction. Therefore, **IT IS**
17 **ORDERED** that Plaintiffs Motion for Extension of Time to File Objections, ECF No.
18 19, is **DENIED**.

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1 For these same reasons, **IT IS FURTHER ORDERED** that the Report and
2 Recommendation, ECF No. 16, is **ADOPTED in its entirety** and the Motion for
3 Preliminary Injunction, ECF No. 5, is **DENIED** with leave to renew after Plaintiff has
4 filed a legally sufficient complaint. Should Plaintiff find that he requires additional
5 time to file a First Amended Complaint, he should timely file a Motion prior to
6 September 18, 2015.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 Order and notify Plaintiff and Counsel for Defendants electronically in the ordinary
9 course of business. The District Court Executive is further directed to terminate the
10 motion hearing set for September 11, 2015.

11 **DATED** this 25th day of August 2015.

12 *s/Lonny R. Suko*

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14 LONNY R. SUKO
15 SENIOR U.S. DISTRICT COURT JUDGE
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